

**MINUTES**  
**COLUMBUS PLAN COMMISSION MEETING**  
**FEBRUARY 1<sup>st</sup>, 2006 AT 4:00 P.M.**  
**CITY COUNCIL CHAMBERS, CITY HALL**  
**123 WASHINGTON STREET**  
**COLUMBUS, INDIANA**

**Members Present:** Dave Fisher (President), Jack Heaton, Pat Zeigler, Tom King, Steve Ruble, Joan Tupin-Crites, Jesse Brand, Dave Bonnell, Mark Gerstle, John Hatter and Tom Finke (County Plan Commission liaison).

**Members Absent:** Brian Russell.

**Staff Present:** Jeff Bergman, Sondra Bohn, Laura Thayer, Thom Weintraut, Heather Pope, Marcus Hurley, and Alan Whitted (Deputy City Attorney).

**CONSENT AGENDA**

Minutes of the January 4, 2006 meeting.

Motion: Ms. Tupin-Crites made a motion to approve the January 4, 2006 minutes. Mr. Heaton seconded the motion and it carried unanimously by voice vote.

Mr. Fisher introduced Mr. Jesse Brand as the new Plan Commission representative member appointed by the City Council.

**PUDF-05-08: SHADOW CREEK FARMS, SECTION 4** – is a request by Crossman Community Partners/Beazer Homes for approval of a Final PUD Plan for Section 4 of Shadow Creek Farms. The property consists of 54.94 acres and is located on the southwest corner of County Road 200 South and County Road 150 West in the City of Columbus.

Mr. Fisher read a letter requesting withdrawal of petition PUDF-05-08 from Judith Weertz Hall representing Shadow Creek Farms, Section 4.

Motion: Ms. Zeigler made a motion to approve this request without prejudice. Mr. Bonnell seconded the motion and it carried unanimously by voice vote.

**PP-05-04: SHADOW CREEK FARMS SECTION 4 MAJOR SUBDIVISION** – is a request by Crossman Community Partners/Beazer Homes to subdivide 54.94 acres into 143 lots. The property is located on the southwest corner of County Road 200 South and County Road 150 West in the City of Columbus.

Mr. Fisher read a letter requesting withdrawal of petition PP-05-04 from Judith Weertz Hall representing Shadow Creek Farms, Section 4.

Motion: Mr. Bonnell made a motion to approve this request without prejudice. Mr. Heaton seconded the motion and it carried unanimously by voice vote.

**RZ-06-01: DAVID AND LAURA HAIDERER** – is a request by David and Laura Haiderer to rezone a property of .97 acres from I-2 (Medium Industrial) to B-5 (General Business). The property is located at 920 Repp Drive in the City of Columbus.

Mr. Bergman stated that the office had received a letter via e-mail from Jeff Rucker, Attorney, representing the petitioner. He stated that Mr. Haiderer is requesting a continuance of this petition to the next meeting.

Motion: Ms. Tupin-Crites made a motion to approve this request for a continuance to the next meeting. Ms. Zeigler seconded the motion and it carried with a vote of 9-0. Mr. Brand indicated he had a conflict on the request and abstained from voting.

Mr. Jeff Rucker, Attorney for the petitioner arrived and passed out copies of the letter that was sent to the Planning Department.

### **OLD BUSINESS REQUIRING COMMISSION ACTION**

Ms. Zeigler and Mr. Gerstle abstained from hearing the following application and left the meeting at this time.

**RZ-05-12: THE COMMONS MALL, LLC** - is a request by the Commons Mall, LLC to rezone a property of 6.1 acres from B-4 (Highway Business) to B-3 (Central Business). Fifth, Brown, Third, and Lindsey Streets in the City of Columbus bound the property.

Mr. Hurley presented the staff report on this request.

Mr. Orwic Johnson with Columbus Surveying & Engineering and Bill Chambers, attorney with Irwin Management Company, represented The Commons Mall, LLC.

Mr. Chambers stated they agreed with the staff report and a B-3 would enhance development opportunities where the parcel is located.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated that staff would recommend that a favorable recommendation be sent to the City Council on this request. He stated that rezoning this parcel to B-3 furthers the goals of the downtown plan. Mr. Bergman stated that there were five conditions of approval that the Plan Commission and the City Council should consider. (1) The first floor of any new construction shall maintain a minimum of 60% transparency on the façades facing and within 20 feet of 5<sup>th</sup> Street, 3<sup>rd</sup> Street, and Brown Street. He stated that the 20 feet component would allow a building to be constructed on the north half of the lot that is 100 feet away from the Third Street frontage that does not have a relationship to that street. (2) Signs shall be limited to those permitted for the “City Center” as specified by the zoning ordinance. He stated that the zoning ordinance actually calls out the boundaries of the rest of the downtown as having specific sign requirements and would like those to be extended to this property. (3) Any primary

structure shall be built to 0 feet from the edge of right-of-way of at least one of the street frontages on 5<sup>th</sup> Street, 3<sup>rd</sup> Street, or Brown Street. (4) On-site parking shall be provided for all uses, consistent with the requirements of the zoning ordinance for non-downtown locations. He stated that on-site parking for any new uses should be at this location. (5) Landscaping shall be provided for all parking lots consistent with the requirements of the zoning ordinance for lots of greater than 100 spaces in non-downtown locations. He stated that this requirement applies to all parking lots except in the downtown area and this should be included.

Motion: Ms. Tupin-Crites made a motion to send a favorable recommendation to the City Council with the following conditions: (1) The first floor of any new construction shall maintain a minimum of 60% transparency on the façades facing and within 20 feet of 5<sup>th</sup> Street, 3<sup>rd</sup> Street, and Brown Street. (2) Signs shall be limited to those permitted for the "City Center" as specified by the zoning ordinance. (3) Any primary structure shall be built to 0 feet from the edge of right-of-way of at least one of the street frontages on 5<sup>th</sup> Street, 3<sup>rd</sup> Street, or Brown Street. (4) On-site parking shall be provided for all uses, consistent with the requirements of the zoning ordinance for non-downtown locations. (5) Landscaping shall be provided for all parking lots consistent with the requirements of the zoning ordinance for lots of greater than 100 spaces in non-downtown locations. Mr. Bonnell seconded the motion and it carried with a vote of 8-0.

Ms. Zeigler and Mr. Gerstle returned to the meeting.

Mr. Bonnell abstained from hearing the following application and left the meeting at this time.

**SU-05-22: MESSIAH BAPTIST CHURCH**— is a request by Messiah Baptist Church to rezone a property of 2.36 acres from AG (Agriculture) to SU-1 (Special Use-Churches). The property is located on the east side of County Road 300 East 200 feet north of U.S. 31.

Ms. Pope presented the staff report information on this request.

Mr. Perry Cloyd with Midwest Surveying & Mapping and Terry Branham, Pastor of the church represented the petitioners.

Mr. Cloyd stated that the drainage plan has been revised and submitted to the City Engineer's Office. Mr. Ruble stated there were a couple of technical issues that need to be addressed, but the general plan is acceptable. Mr. Cloyd stated that the issue with the Fire Department has been resolved and they have been working with the Code Enforcement Office. He stated that the occupancy size of the building does not require installation of a sprinkling system. Mr. Cloyd stated that the church has plans to pave the parking lot and they are asking for a five-year time period to complete the paving. He stated this would allow them to construct the building and resolve some other issues. Mr. Cloyd stated that a landscaping plan has been proposed and the points meet the landscaping ordinance. Mr. Cloyd stated they have proposed a lighting plan that would be in compliance. He stated that they are asking for relief from installing sidewalks along County Road 300 East. Mr. Cloyd stated that the commercial septic would no longer be required, as they will be connecting to Eastern Bartholomew County Regional Sewer District. He stated they have verbal approval for the necessary easement and the paper work is in the process of being completed. Mr. Cloyd stated there were some details to work out with the City Engineer's

Office. He stated that the building height has been resolved. He stated it was his opinion that the SU zoning that is being requested would fall somewhere between residential and commercial. Mr. Cloyd stated it was his opinion that this is the best use for the property.

Mr. Ruble asked what the ordinance states regarding impervious surfaces on parking lots. Ms. Pope stated the ordinance says that the parking area shall be of a dust proof surface and in the past, that has been blacktop and concrete. She stated that recycled asphalt has also been used. Mr. Bergman stated that this is an SU zoning district and the specifics are at the discretion of the Plan Commission for approval.

Ms. Zeigler stated it was important to recall some other petitions that have appeared before the Board similar to this one. She stated there was a church along Highway U.S. 31 that had an issue regarding the parking lot. Ms. Pope stated that other churches in the past have not followed through with their intent to pave in a timely manner.

Ms. Tupin-Crites asked if there was a legal issue when installing an impervious surface for parking. Mr. Whitted stated that there is some discretion allowed, but it would need to be ADA approved and comply with the required surface for wheel chairs and ramps, etc. before occupancy. Mr. Whitted stated it would eventually become a Code Enforcement issue if a time limit for paving were attached as a condition. Mr. Branham stated it was their intention to pave the parking lot later. He stated that they had received a quote for paving and it was too costly for them at this time. Mr. Branham stated that they would do something in front of the church to accommodate the requirements for ADA.

Mr. Fisher opened the meeting to the public.

Ms. Rhonda Eickbush spoke in favor of the request.

Mr. Fisher closed the meeting to the public.

Mr. Heaton asked how many members were in the congregation. Mr. Branham stated there were 25-30 people attending the church.

Mr. Brand asked if paving was necessary for the health and safety of the people or access to the building. He also asked if dust control was an issue. Ms. Pope stated that the zoning ordinance requires paving and the Volunteer Fire Department is requesting asphalt or concrete surface for the safety of their vehicles.

Mr. Bergman stated that the parking area for 55 cars seemed excessive for the 25 people that participate in the services. He asked if they could build and pave 30 parking spaces now as opposed to the 55 spaces that are shown. Mr. Branham stated the number of pews located in the church determined the size of the parking lot. Mr. Bergman stated that the Plan Commission would have some discretion and flexibility in determining the number of spaces in the parking lot. Mr. Branham stated the cost would still be too much for them to absorb at this time. He stated they would like to start with the front parking lot first when they have the money to pave, perhaps two years in the future.

Mr. Bergman stated that staff's recommendation is that the paved parking is a very consistently applied as the minimum standard in a known quantity for any construction in the City of Columbus. He stated that enforcement over a long period of time is impractical and has proven

as such in the past. Mr. Bergman stated that staff's recommendation is to send to the City Council an unfavorable recommendation based on the unpaved parking. He stated if the Plan Commission wanted to send a favorable recommendation to the City Council it should be with the following conditions: (1) The final drainage plan be approved by the City Engineer's Office and (2) The final documentation for the sewage extension is provided prior to the City Council's approval of the site plan. (3) Relief from installing sidewalks.

Motion: Ms. Tupin-Crites made a motion to send this request with a favorable recommendation to the City Council with the following conditions: (1) A final drainage plan be approved by the City Engineer's Office. (2) The final easement documents are presented to the Planning Department. (3) Grant the petitioner three years to provide an impervious surface for the parking lot. The motion died for lack of a second.

Motion: Mr. Fisher made a motion to deny the request and send an unfavorable recommendation to the City Council. He stated the reason for the motion was that there is uncertainty regarding the paving of the parking lot. In addition, he stated there is a question of public safety regarding fire vehicles being able to maneuver. Mr. Fisher stated that this petitioner might return at any future time when they believe that have substantially changed the nature of the request and specifically addressing the parking lot. Ms. Zeigler seconded the motion and it failed with a vote of 5-4 with Mr. Hatter, Mr. Heaton, Mr. King and Ms. Tupin-Crites voting against the denial.

Mr. Bergman stated that this request could be forwarded to the City Council with (1) a favorable recommendation, (2) an unfavorable recommendation. (3) no recommendation.

Mr. Fisher asked the petitioners which option they would prefer.

The petitioners stated they would request a continuance to the March 2006 meeting.

Mr. Bergman stated that even if they propose something other than asphalt or concrete at the next meeting that would satisfy the Fire Department comments, staff does not believe this would satisfy the minimum standards of the Zoning Ordinance or the intent of the Comprehensive Plan.

Mr. Bergman stated that he would encourage the petitioners to contact staff and come into the office to discuss some of the outstanding issues.

Motion: Mr. Gerstle made a motion to continue this request to the March 2006 meeting. Ms. Tupin-Crites seconded the motion and it carried with a vote of 9-0.

Mr. Bonnell returned to the meeting.

## **NEW BUSINESS REQUIRING COMMISSION ACTION**

**PP-05-05: ATON'S COMMERCIAL PARK MAJOR SUBDIVISION** – is a request by Thomas and Mary Aton to create 8 lots and 1 block totaling 11.69 acres. The property is located on the north side of State Street east of Marr Road in the City of Columbus.

Mr. Weintraut presented the staff report on this request.

Mr. E.R. Gray with E.R. Gray & Associates and Tom Aton represented the petitioner.

Mr. Aton stated he had worked closely with the City Engineer's Office and the Planning Department. He stated they had addressed many of the issues and were in agreement with the changes.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Ms. Zeigler stated that the property had already been before the Landscape Review Committee and was approved. She stated that Mr. Aton has done an adequate job of landscaping, especially on the east side where the residential area is located.

Mr. Fisher asked if Repp Court would exit on U.S. 31 opposite an existing driveway. Mr. Gray stated yes.

Mr. Bergman stated that the applicants have addressed the issues that have been identified and stated that the lot line issue has been resolved. Mr. Ruble stated that the Thoroughfare Plan supports reduction of pavement width of a cul-de-sac street to 26 feet if parking is limited to one side of the street. Mr. Bergman stated that staff would recommend approval of this request.

Motion: Ms. Zeigler made a motion to approve this request with relief from the requirement that the pavement width for a local street be 30 feet in width. Mr. Gerstle seconded the motion and it carried with a vote of 10-0.

**MP-06-01: ELK RANCH MINOR SUBDIVISION** - is a request by Rick Miller and Connie Miller to create 3 lots totaling 81.65 acres. The property is located on the southeast corner of County Road 300 West and County Road 600 South in Wayne Township.

Mr. Weintraut presented the staff report on this request.

Mr. E.R. Gray with E.R. Gray & Associates and Rick Miller represented the petitioner.

Mr. Gray stated they had worked with the Planning Department and the Engineer's Office on some of the key issues. He stated those have been resolved; they have met the requirements, and are asking for relief from the sidewalk modification.

Mr. Fisher opened this meeting to the public.

Mr. Byran Schroer asked if there would be future subdivision of the 60 acres. Mr. Weintraut stated that they would be allowed to create two lots from any parent tract as long as there is a 10-acre remainder from each lot being created.

Mr. Bergman stated that nothing more could be developed at this site without public notice.

Mr. Ron Hoffman asked about a future subdivision being developed on the 60 acres.

Mr. Bergman stated that any applicant could request rezoning; apply for a subdivision and it would be sent to the Plan Commission for approval or denial. He stated given the regulations that are now in place it would be unlikely that a subdivision would be approved at this location.

Mr. Fisher closed the meeting to the public.

Mr. Bergman asked if the driveway locations met with City Engineer's Office approval. Mr. Ruble stated they have been approved as shown on the information provided by Mr. Gray. He stated he would request that the motion include a no access notation on the plat because of the sight visibility. Mr. Bergman stated that staff would recommend relief of the sidewalk requirements and the request does comply with the Subdivision Control Ordinance.

Motion: Mr. Heaton made a motion to approve this request with the following conditions: (1) Attach a no access notation on the plat because of sight visibility and (2) Allow the modification of the sidewalks requirement. Ms. Zeigler seconded the motion and it carried with a vote of 10-0.

**MP-06-02: BISON MINOR SUBDIVISION** – is a request by Connie Sexton to create 2 lots totaling 18.41 acres. The property is located on the east side of County Road 400 West north of County Road 550 South in Wayne Township.

Mr. Weintraut presented the staff report on this request.

Mr. E.R. Gray with E.R. Gray & Associates and Rick Miller represented the petitioner.

Mr. Gray stated they were in agreement with the staff report and subject to the modification for sidewalks would ask for approval.

Mr. Fisher opened the meeting to the public.

Ms. Michelle Graves asked if this parcel was zoned for agricultural purposes only or could it be used for residential.

Mr. Fisher stated that it is currently zoned agricultural. He stated this is not a request to change the zoning and this request is for a minor subdivision only.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated that the plat does comply with the Subdivision Control Ordinance except the sidewalk provision. He stated staff would recommend approval and support the waiver of the sidewalk at this location.

Motion: Ms. Zeigler made a motion to approve this request and to allow the waiver for the sidewalks at this location. Mr. Hatter seconded the motion and it carried with a vote of 10-0.

## **DISCUSSION ITEMS**

## **REPORTS & RECOMMENDATIONS**

## **DIRECTOR'S REPORT**

Mr. Bergman stated that the 2<sup>nd</sup> Annual Columbus and Bartholomew County Plan Commission Meeting would be held on February 20, 2006 at 4:00 p.m. in Columbus City Hall. He encouraged all members to attend.

Mr. Bergman stated that at the last City Council meeting the PAAL and Clinton Mann requests were approved. He stated the request by Curt Aton was denied.

Mr. Bergman stated he had included materials in the packets regarding the update for the Zoning Ordinance. He stated he would be including future notes from the prior month's ordinance committee meetings in the packets. He reminded the Plan Commission that the Zoning Ordinance for both the City and County would be combined in a single document. The Plan Commission members indicated their support for this concept.

Mr. Bergman stated there were several inconsistencies with the current paper maps that are maintained for zoning information. He stated that there is some hand drawing on the maps and this is not to scale. He stated that the Planning Department is in the process of converting the paper maps to electronic maps. He noted that this process would technically include the re-zoning of portions of certain properties. Mr. Bergman indicated that the new maps would require Plan Commission and City Council approval. The Plan Commission members indicated their support for this project.

## **LIAISON REPORTS**

Written reports were received and discussed.

**ADJOURNMENT: 6:00 P.M.**

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David L. Fisher, President

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Steve T. Ruble, Secretary